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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

HOLLYWOOD TANS  
FRANCHISING, LLC; HOLLYWOOD  
TANS BRANDS, LLC,  
a Delaware Limited Liability Company

Plaintiffs,

v.

LORI ABATE; VINCENT ABATE;  
VINCENT ABATE, SR.; JACKIE  
ABATE;  
JAR TANNING COMPANY, LLC;  
JASON ROMEO; ANGELINA  
ROMEO; WAYNE PIERCE; WWE  
UNLIMITED, LLC; FRABA  
TANNING CORPORATION, LLC;  
FRABA ENTERPRISES, LLC; and  
L.A. BRONZE,

Defendants.

CIVIL ACTION NO.: 10cv 2692 (RMB)

**ORDER TO SHOW CAUSE  
~~AND TEMPORARY~~  
RESTRAINING ORDER**



THIS MATTER having been submitted to the Court by Parker McCay, P.A. (Howard D. Cohen, Esq., appearing) and Chernow Katz, LLC, (Harris J. Chernow, Esq., appearing) attorneys for Plaintiffs, Hollywood Tans Franchising, LLC ("HTFLLC"), and Hollywood Tans Brands, LLC, ("HTBLLC") (together "Plaintiffs") and the Court having read and considered the Verified Complaint, Verification of Lewis Shender, supporting Brief and form of Order to Show Cause and Temporary Restraining Order presented; ~~and having concluded from Plaintiffs' moving~~ papers that immediate and irreparable injury will result to Plaintiffs before Defendants can be heard because of Defendants' willful refusal to cease and desist from infringement of Plaintiffs' Trademarks and violation of the pertinent Franchise Agreements; and the Court being satisfied that no further notice is required prior to the granting of a temporary restraining order; and ~~for good cause shown,~~

IT IS on this 27th day of May, ~~1997~~, <sup>2010</sup>

~~ORDERED~~ that ~~Lori Abate; Vincent Abate; Vincent Abate, Sr.; Jackie Abate; Wayne Pierce; WWE Unlimited, LLC; Fraba Tanning Corporation, LLC; Fraba Enterprises, LLC; and L.A. Bronze, be and hereby are temporarily restrained and enjoined from operating, marketing, promoting, or selling indoor tanning salon services and products through and with Plaintiffs' various trade names and service marks or otherwise~~

~~displaying these trade names and trademarks which are on the principal~~  
register of the United States Patent and Trademark Office, logos, and  
derivations thereof (the "HT Marks"); and

**IT IS FURTHER ORDERED** that Lori Abate, Vincent Abate, Fraba  
Tanning Corporation, LLC, Fraba Enterprises, LLC, Wayne Pierce and  
WWE Unlimited, LLC, be and hereby are temporarily restrained and  
enjoined from operating, performing services for, or having any direct or  
indirect interest in any indoor tanning salon located or operating within two  
miles of the locations of their Hollywood Tans salons for a period of two  
years; and

**IT IS FURTHER ORDERED** that JAR Tanning Company, LLC,  
Joseph Romeo, Angelina Romeo, and L.A. Bronze be and hereby are  
temporarily restrained and enjoined from

(i) converting their Hollywood Tans locations to L.A. Bronze  
locations;

(ii) operating, marketing, promoting, or selling indoor tanning salon  
services and products through and with Plaintiffs' various trade names and  
service marks or otherwise displaying those trade names and trademarks  
logos, and derivations thereof, and from

(iii) operating, performing services for, or having any direct or  
indirect interest in any indoor tanning salon located or operating within two

~~miles of the locations of their Hollywood Tans salons for a period of two years; and~~

**IT IS FURTHER ORDERED** that the temporary restraining order hereinabove encompasses, but is not limited to, the use of any and all print or telecommunications advertisements, drafts, labels, logos, signs, flyers, stationery, envelopes, applications, booklets, brochures, catalogues, circulars, invoices, pamphlets, periodicals, bulletins, instructions, minutes, other communications, purchase orders, contracts, agreements, options to purchase, deeds, memoranda of agreements, assignments, licenses, books of account, orders, accounts, working papers, plans, internet sites, domain names, business cards, corporate names, and e-mail addresses that employ or relate in any manner to the HT Marks, or to names and marks confusingly similar to the HT Marks; and

**IT IS FURTHER ORDERED** that Plaintiffs have the right to inspect all Defendants' tanning salons to verify Defendants' compliance with this temporary restraining order; and \_\_\_\_\_

*shall*

**IT IS FURTHER ORDERED** that Defendants, *shall* appear and show cause before the United States District Court of New Jersey, Camden, New Jersey *on June 3, 2010* at *10<sup>00</sup>* o'clock in the *fore* noon or as soon thereafter as counsel may be heard why the following relief should not be granted:

a) Issuance of a preliminary injunction pendente lite and permanent injunction should not be granted as follows;

- 1) Enjoining and restraining Lori Abate; Vincent Abate; Vincent Abate, Sr.; Jackie Abate; Wayne Pierce; WWE Unlimited, LLC; Fraba Tanning Corporation, LLC; Fraba Enterprises, LLC; and L.A. Bronze, from operating, marketing, promoting, or selling indoor tanning salon services and products through and with Plaintiffs' various trade names and service marks or otherwise displaying those trade names and trademarks which are on the principal register of the United States Patent and Trademark Office, logos, and derivations thereof (the "HT Marks"); and
- 2) Enjoining and restraining Lori Abate, Vincent Abate, Fraba Tanning Corporation, LLC, Fraba Enterprises, LLC, Wayne Pierce and WWE Unlimited, LLC, from operating, performing services for, or having any direct or indirect interest in any indoor tanning salon located or operating within two miles of the locations of their Hollywood Tans salons for a period of two years; and

3) Enjoining and restraining JAR Tanning Company, LLC, Joseph Romeo, Angelina Romeo, and L.A. Bronze be and from

- (i) converting their Hollywood Tans locations to L.A. Bronze locations;
- (ii) operating, marketing, promoting, or selling indoor tanning salon services and products through and with Plaintiffs' various trade names and service marks or otherwise displaying those trade names and trademarks logos, and derivations thereof, and from
- (iii) operating, performing services for, or having any direct or indirect interest in any indoor tanning salon located or operating within two miles of the locations of their Hollywood Tans salons for a period of two years; and

4) Preliminary and permanent injunctive relief sought hereinabove encompassing use of any and all print or telecommunications advertisements, drafts, labels, logos, signs, flyers, stationery, envelopes, applications, booklets, brochures, catalogues, circulars, invoices, pamphlets,

- periodicals, bulletins, instructions, minutes, other communications, purchase orders, contracts, agreements, options to purchase, deeds, memoranda of agreements, assignments, licenses, books of account, orders, accounts, working papers, plans, internet sites, domain names, business cards, corporate names, and e-mail addresses that employ or relate in any manner to the HT Marks, or to names and marks confusingly similar to the HT Marks; and
- 5) Plaintiffs' right to inspect all Defendants' tanning salons to verify Defendants' compliance with this temporary restraining order; and
- a) Providing for a forty-five (45) day period of expedited discovery for all parties and relaxation of the Rules permitting the immediate service of interrogatories, the scheduling of depositions upon five (5) days notice and such other forms of discovery as the parties may elect, provided that such discovery shall be completed no later than forty-five (45) days from the return day of this Order to Show Cause;
- b) Requiring defendants to pay plaintiffs' attorneys fees and costs;

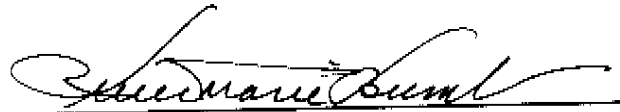
- c) Fixing a short date for trial of the within action;
- d) Granting all of the other relief demanded in the Verified Complaint

**IT IS FURTHER ORDERED** that, this Order to Show Cause shall serve in lieu of a summons and plaintiffs and hereby granted leave to serve defendants by Federal Express per the attached schedule with a copy of the Verified Complaint, Brief, and this Order to Show Cause and Temporary Restraining Order within 1 day~~s~~ of the date hereof, and <sup>to be received no later than 12:00 P.M. on May 28, 2010. (these papers may be hand-delivered instead of Federal Express delivery)</sup> Defendants shall file and serve ~~than~~ Answers or otherwise move with respect ~~on or before June 2, 2010 at 12:00 P.M.~~ to the Verified Complaint within 1 day~~s~~ by forwarding the original and one copy of said Answer or other pleadings with respect to the Verified Complaint to the Clerk of this Court <sup>and this Court</sup> and simultaneously serving a true copy thereof upon the attorneys for Plaintiffs, and that if Defendants fail to answer or otherwise move with respect to the Verified Complaint within time herein limited, then this Court may enter a judgment in favor of Plaintiffs and against Defendants for all or some of the relief demanded in the Verified Complaint, and ~~and~~

**IT IS FURTHER ORDERED** that, Defendants shall file and serve any responding papers to this Order to Show Cause and Temporary Restraining Order by June 2, 2010 <sup>at 12:00 P.M.</sup> and Plaintiffs ~~shall~~ <sup>may</sup> file and serve any reply papers by June 2, 2010 <sup>at 5:00 P.M.</sup>; and



~~IT IS FURTHER ORDERED~~ that, Defendants, on two (2) days notice to plaintiffs, may appear and move the dissolution or modification of the Temporary Restraining Order herein and shall serve Plaintiffs with copies of its papers in support of such application simultaneously with the giving of said two (2) days notice.

  
\_\_\_\_\_  
U.S.D.J.

**Contact Information for Defendants**

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